

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1556

IN THE MATTER OF:

| | | |
|-------------------------------|---|---------------------|
| Application of BANNISTER |) | |
| CAR RENTAL & CHAUFFEUR |) | |
| SERVICE, INC., for a |) | Served May 20, 1976 |
| Certificate of Public |) | |
| Convenience and Necessity |) | Application No. 936 |
| to Perform Special Operations |) | |
| |) | |
| Application of BANNISTER'S, |) | Application No. 942 |
| INC., for a Certificate of |) | |
| Public Convenience and |) | Consolidated |
| Necessity to Perform Charter |) | |
| Operations Pursuant to |) | Docket No. 327 |
| Contract |) | |

By Application No. 936, filed April 28, 1976, as supplemented, Bannister Car Rental & Chauffeur Service, Inc., a division of Bannister's, Inc., seeks a certificate of public convenience and necessity pursuant to the Compact, Title II, Article XII, Section 4(b), to transport passengers, over irregular routes, from points located within the Metropolitan District to the Wolf Trap Farm Park for the Performing Arts (Wolf Trap), Filene Center, a facility of the United States Government, at or near Vienna, Va., and return. ^{1/} Bannister would operate three separate routes to and from Wolf Trap, which would be subject to this Commission's jurisdiction.

^{1/} By Order No. 1334, served June 19, 1974, and Order No. 1427, served May 19, 1975, Bannister was granted temporary authority to provide a similar service.

Each of these trips would have specified pick-up and delivery points. The pick-up and delivery points proposed to be served by Bannister would be the following:

- I. Boarding & Alighting Points on Route 1
 - A. Mayflower Hotel, 1127 Connecticut Avenue, N. W., Washington, D. C.;
 - B. Connecticut Avenue and Calvert Street Washington, D. C.;
 - C. Connecticut Avenue and Porter Street, Washington, D. C.;
 - D. Bethesda - Chevy Chase Chevy Chase Circle, Chevy Chase, MD.
- II. Boarding & Alighting Points on Route 2
 - A. Ward Circle, Washington, D. C.;
 - B. Cathedral Street and New Mexico Avenue, Washington, D. C.;
 - C. Cathedral Street and Massachusetts Avenue, Washington, D. C.;
 - D. Wisconsin Avenue and Q Street, Washington, D. C.; and
 - E. Key Bridge/Rosslyn Circle, Arlington, VA.
- III. Boarding & Alighting Points on Route 3
 - A. Old Town Alexandria, Alexandria, VA;
 - B. L'Enfant Plaza, Washington, D. C.;
 - C. 12th Street and Pennsylvania Avenue, Washington, D. C.; and
 - D. Golden Table Restaurant, Virginia Avenue and 23rd Street, N. W., Washington, D. C.

The service would be provided through an advance registration system to accommodate all reservations received, so long as reservations are received 24 hours prior to the performance, for all regular performances at Wolf Trap. Bannister would pick up people in time to deliver all passengers to the Wolf Trap ticket office fifteen minutes before the

performance. The vehicles operated by Bannister would either remain at Wolf Trap or would return to Wolf Trap fifteen minutes before the end of the performance to return all passengers to their point of initial pick-up.

The proposed operations would be performed in motor coaches, mini-buses, limousines, and sedans. The individual passenger would pay Bannister for the service. The per capita round-trip fare would be dependent upon the vehicle used and would be determined according to the following schedule.

| | |
|-------------|---------|
| Motor Coach | \$ 3.50 |
| Mini-bus | \$ 4.00 |
| Limousine | \$ 4.50 |
| Sedan | \$ 4.50 |

By Application No. 942, filed May 11, 1976, Bannister's, Inc., seeks a certificate of public convenience and necessity pursuant to the Compact Title II, Article XII, Section 4(b), to transport passengers, over irregular routes, between the John F. Kennedy Center for the Performing Arts (Kennedy Center) and the Columbia Plaza PMI Parking Garage, both points being within the District of Columbia.

The proposed transportation service would be performed pursuant to an agreement between Bannister and the Kennedy Center. Bannister would provide shuttle service constantly between 7:30 P. M. and 11:30 P. M., and, on some occasions, it would be necessary for the provision of additional hours of shuttle service.

Bannister would perform the proposed shuttle service in motor coaches, mini-buses, limousines, and sedans. The individual passenger would not pay for the transportation service. Rather, the Kennedy Center would compensate Bannister at the rate of \$45 per day for the first bus and \$20 per day for each additional bus.

By Order No. 1493, served February 3, 1976, Bannister Enterprises, Inc., was granted temporary authority to transport passengers, together with their baggage, over irregular routes, between a point or points at or near the Colonial Parking

Garage on the southeast corner of the intersection of North Capitol and E Streets, N. W., in the District of Columbia, and a point or points at or near the railroad station now known as the Washington Union Station located in the District of Columbia, serving no intermediate points, pursuant to a contract with Amtrak dated December 12, 1975. That authority became effective February 9, 1976, and shall terminate August 6, 1976, unless otherwise ordered. The Commission has not received an application for permanent authority to perform the service currently rendered pursuant to temporary authority. By Order No. 1529, served April 1, 1976, the Commission issued to Bannister Enterprises, Inc., Certificate of Public Convenience and Necessity No. 32. That Certificate authorizes the performance of charter operations pursuant to contract involving the transportation of persons designated by agencies of the District of Columbia Government, over irregular routes, between points within the Metropolitan District.

Pursuant to the provisions of Commission Rule of Practice 20-02, Applications No. 936 and 942 shall be consolidated. The applications were filed by related corporations. The applications involve common questions of law and fact.

Title II, Article XII, Section 4(b) of the Compact provides as follows:

When an application is made under this section for a certificate, . . . , the Commission shall issue a certificate to any qualified applicant therefor, . . . , if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied. (Emphasis added.)

Pursuant to this mandate, the Commission shall schedule a hearing to develop an appropriate record. Bannister shall be assessed an amount preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carrier to bear.

The reason for the hearing is to fully develop the basis for any findings as to Bannister's fitness to perform the proposed transportation services and the existing requirements of the public convenience and necessity for the proposed transportation services. Bannister shall be required to submit and be prepared to support with a competent witness separate projection statements for each of the proposed services. The projections should indicate the revenues and revenue deductions, including taxes, for a one year period, together with supporting details, including the ratio between revenue deductions and revenues. Bannister shall be directed to file six (6) copies of the statements required hereinbefore with the Commission and serve one copy on each party of record on or before June 8, 1976. Bannister shall be prepared to present evidence, including a copy of the agreement with the Kennedy Center, that public convenience and necessity require the proposed transportation services.

THEREFORE, IT IS ORDERED:

1. That Application No. 936 of Bannister Car Rental & Chauffeur Service, Inc., be, and it is hereby, consolidated with Application No. 942 of Bannister's Inc.

2. That Applications No. 936 and 942, as consolidated hereinbefore, be, and they are hereby, scheduled for public hearing to commence Tuesday, June 15, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C.

3. That Bannister Car Rental & Chauffeur Service, Inc., and Bannister's, Inc., publish in a newspaper of general circulation in the Metropolitan District and post in each vehicle that it operates a notice in the form prescribed by

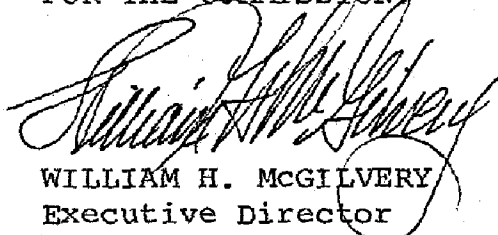
the staff of the Commission of such application and hearing no later than Wednesday, May 26, 1976, and present at the hearing a certificate of publication from the selected newspaper and a certification of posting.

4. That six (6) copies, the original to be submitted at the hearing, of the statements required hereinbefore be filed by Bannister Car Rental & Chauffeur Service, Inc., and Bannister's, Inc., with the Commission and one copy served on each party of record on or before Tuesday, June 8, 1976.

5. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Friday, June 4, 1976, and shall mail a copy of such protest or notice to Ernest H. Bannister, Bannister's, Inc., 635 F Street, N. W., Suite 406, Washington, D. C. 20004.

6. That Bannister Car Rental & Chauffeur Service, Inc., and Bannister's Inc., be, and they are hereby, assessed \$300 pursuant to the provisions of the Compact, Title II, Article XII, Section 19 and directed to deliver said amount to the offices of the Commission, Room 316, 1625 I Street, N. W., Washington, D. C., on or before Tuesday, June 8, 1976.

FOR THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director